

Appl. No.: 10/526,752
Reply to Office Action of: 04/29/2008

REMARKS

Claims 1-6 were rejected under 35 U.S.C. §112, second paragraph. The claims have been amended above to overcome the rejection.

Claim 1-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Adams (US 4,027,771) in view of Lonzinski et al. (US 2003/0110849). The examiner is requested to reconsider this rejection.

As the examiner has admitted, Adams fails to disclose that the lifting device in Adams comprises drive mechanisms placed in the lifting arms for driving the transporting equipment in the lifting arms separately and for steering the lifting arms.

Lonzinski et al. is in regard to limiting speed of a vehicle (a lift truck). The truck (10) has a drive system (25) which is separate from the lift system (31, 33, 51, 53) of the truck (see paragraph 0022).

There appears to be no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicant's patent application). Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (see MPEP 2143.01). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the

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combination (see MPEP 2143.01). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

There appears to be no suggestion to place the steer motor 47 or the traction motor 43 of Lonzinski et al. in the forks 10, 11 of Adams. In Lonzinski et al. the forks 31 are clearly taught as being separate from the steer motor 47 and the traction motor 43. Why would someone what to place the steer motor 47 or the traction motor 43 in the forks 31? Adams steers by means of the steering wheels 45. The steering wheels 45 are located outside of the forks 10, 11. Also, handle 49 is used to pull or push the truck in Adams. There appears to be no suggestion to place a traction motor inside the forks 10, 11.

Even if, for the sake of argument, it was obvious to combine the teachings of the two references, this still would not have suggested applicant's claimed invention. In the present case, Adams discloses steering wheels 45. The steering wheels 45 are not located in the forks. Thus, at best, Lonzinski et al.

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suggests connecting the steer motor 47 and the traction motor 43 to the steering wheels 45 of Adams outside of the forks 10, 11. Claim 1, on the other hand, claims transporting equipment in the lifting arms for moving the lifting arms on a base, drive mechanisms in lifting arms, and a transmission element connecting the drive mechanisms to the transporting equipment for driving the transporting equipment in the lifting arms separately and for steering the lifting device. This is not suggested by the cited references.

Please also note that claim 1 claims an attaching part attached to one end of the frame part, wherein the attaching part is configured to have a lifting device of a crane removably attached thereto. There is no suggestion of applicant's claimed attaching part in the cited references.

The features of claim 1 are not disclosed or suggested in the cited art. Therefore, claim 1 is patentable and should be allowed.

Though the claims dependent upon claim 1 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

Claims 7-9 have been added above to claim the features recited therein.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are

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clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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